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REMARKS

Applicant appreciates the Examiner's review of the present application. This response is submitted in reply to the final Office Action dated January 13, 2006. Claims 1-4, 7-13, 15-19 and 21-26 currently stand rejected. Applicant has amended independent claim 1 for clarification purposes. The amendment includes no new matter and, as discussed below, raises no new issues. As such, Applicant submits that the amendment should be entered and substantively considered at this juncture.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §112

Independent claim 1 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action asserts that the phrase "that is independent of a user" is not clear.

When read in the context of the remainder of independent claim 1, Applicant submits that there is only one user referred to in independent claim 1 and thus it is clear that the user is the entity associated with the play list. Specifically, independent claim 1 recites "the play list being associated with the user" and "modifying the play list associated with the user". Furthermore, independent claim 1 specifies that the user is associated with a network receiver. Accordingly, it is clear that the recitation of "a remote network node that is independent of a user" means precisely that the remote network node is associated with an entity other than the user associated with the play list.

Thus, although Applicant has amended independent claim 1 to further clarify that the user is "a user associated with a play list", it is respectfully submitted that the amendment creates no new issues since the newly recited feature was inherent in the previous claim recitations and had therefore previously been examined. Moreover, the other independent claims previously explicitly recited the independence of the remote network node from the user who is associated with the play list. Therefore, it is respectfully submitted that the amendment should be entered

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and substantively considered.

Accordingly, Applicant submits that the rejection of independent claim 1 under 35 U.S.C. §112, second paragraph, is overcome.

Claim Rejections - 35 USC §102

Claims 1, 2, 7-10, 15-19 and 21-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gupta et al. (U.S. Patent No. 6,484,156, hereinafter "Gupta"). Applicant respectfully traverses.

An exemplary embodiment of the present application according to independent claim 1 includes operations of 1) providing instructions for submitting content from a remote network node; 2) transmitting the instructions to the remote network node; 3) receiving a request from the remote network node to modify a play list of a user, the request including content information from the remote network node and identification information of the user; 4) modifying the play list of the user to include the content from the remote network node; and 5) causing streaming of the content from the remote network node to a receiver of the user based on the modified play list. As recited, the exemplary embodiment of independent claim 1 clearly indicates that the remote network node from which the request to modify the user's playlist comes is not associated with the user associated with the play list. In other words, for example, instructions are sent to a remote computer to allow the remote computer (not associated with the user) to add a song title to the play list of the user. The song title, thus added, is then streamed to the user according to the modified play list. As will be shown below, Gupta fails to teach such operations with respect to content from a remote network node. More particularly, Gupta fails to teach or suggest that a *play list* associated with a user can be modified by a remote network node, as recited by amended independent claim 1.

I. Gupta fails to teach or suggest receiving a request from a remote network node to modify a play list associated with the user.

Independent claim 1 recites, *inter alia*, providing remote network node interface instructions for submitting remote network node content; transmitting the remote network node

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interface instructions to a remote network node that is independent of a user associated with a play list; receiving a request from the remote network node via the transmitted interface instructions to modify the play list, the request including remote network node content information and identification information of the user, the play list being associated with the user identified by the identification information. Gupta at least fails to teach or suggest receiving a request from a remote network node to modify a play list associated with the user as claimed in independent claim 1. In other words, Gupta fails to teach or suggest that instructions are provided and transmitted to allow a remote network node independent of the user to request to modify a play list associated with an identified user in which such modification includes information having remote network node content.

The final Office Action cites col. 18, lines 13-21, and col. 17, lines 30-35 of Gupta as indicating that the user (creator) can modify the play list. Applicants, respectfully point out, that even if this assessment were assumed to be true, the cited passages still fail to meet the claims with respect to the recitation at issue. In fact, a careful reading of Gupta, and the cited passages in particular, indicates that Gupta only discloses that requests to modify the play list come from the user (see col. 18, lines 13-21, and col. 17, lines 30-35) and not from a remote network node. Accordingly, the cited passages are indicative that Gupta fails to teach or suggest receiving a request from a remote network node to modify a play list associated with the user as claimed in independent claim 1. Furthermore, it appears that the final Office Action fails to even assert that the cited references teach or suggest the claimed feature. Rather, the final Office Action states that "the claim needs modifying a play list by a user before saving it. Other users (instructors, teachers, students, trainers, viewers etc see the modified information (see fig. 9-11))." Applicant submits that modification of the play list by the user before saving it is not required to distinguish the claimed invention over Gupta, since Gupta fails to disclose that a remote network node can request to modify the play list. Furthermore, the fact that other users can view modified information in Gupta is material only to further indicate that Gupta fails to teach or suggest that any of these other users can modify the information. According to an embodiment of the claimed invention as recited in independent claim 1, the other users can request to modify the play list. As the Office Action asserts, Gupta only discloses that entities other than the user

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associated with the play list can view (but not modify) a modified play list. For example, in describing Figure 11, Gupta discloses only that the user (and not an entity other than the user) is able to reorder media segments to modify the play list (col. 17, lines 47-48).

It seems as though the Office Action is loosely reading the term "user" in the claims to mean any user in each instance such term is used. However, Applicant submits that it is clear in light of the claim recitations that each time the term "user" is used in independent claim 1, the "user" is the user associated with the play list. Thus, the remote network node independent of the user associated with the play list could be any entity other than the user associated with the play list. Since this construction is clear from the recitations of independent claim 1, it is respectfully submitted that independent claim 1, in which a remote network node can request to modify a play list, is patentably distinct over Gupta, in which only the user associated with the play list can modify the play list. Accordingly, Gupta fails to teach or suggest receiving a request from a remote network node to modify a play list associated with the user as claimed in independent claim 1.

II. Gupta fails to teach or suggest modifying the play list associated with the user to include a reference to remote network node content.

As indicated above, the request to modify the play list includes remote network node content information and identification of the user associated with the play list. In other words, the remote network node content is used to modify the play list. Gupta fails to teach or suggest that a remote user or remote network node independent of the user can provide a request to modify the play list with remote network node content. As stated above, in describing Figure 11, Gupta discloses only that the user is able to reorder media segments to modify the play list (col. 17, lines 47-48). Since Gupta discloses only that the user can modify the play list, any request in Gupta to modify the play list does not include remote network node content information as claimed in independent claim 1. Thus, since Gupta fails to teach or suggest an analog to remote network node content as it relates to receipt and transmission of instructions to modify the play list, Gupta fails to teach or suggest modifying the play list associated with the user to include a reference to the remote network node content.

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It should be noted that Gupta discloses that a particular annotation set may be given read/write security to allow a creator of the annotation set to allow others to modify the annotation set (col. 14, lines 53-57). However, an annotation set is not analogous to the play list of the present application as evidenced by the fact that Gupta specifically teaches a play list apart from the annotation set. Thus, although Gupta teaches an annotation set that may be modified by others, Gupta fails to teach or suggest that the play list may be modified by others as facilitated by the method of amended independent claim 1 in which instructions to modify the play list are received from a remote network node that is independent of the user associated with the play list.

Furthermore, as stated in the Office Action, Gupta discloses that the play list can be stored by its creator and retrieved by other users (col. 18, lines 13-21). However, the cited passage, in particular, and Gupta, in general, fails to teach or suggest that the play list, once retrieved, may be modified by other users. Rather, the saved content (collection of media segments) may be expeditiously streamed to other users without an additional query (col. 18, lines 17-19). The saved content may be annotated (col. 18, lines 20-21), but there is no teaching or suggestion that the play list itself can be modified. Gupta's failure to disclose an ability of a remote network node (i.e., a node other than that of the user associated with the play list) to modify the play list once retrieved, in light of Gupta's specific teaching of such ability with respect to annotation sets is further evidence of the patentable distinction between Gupta and the claimed invention. Thus Gupta fails to teach or suggest modifying the play list associated with the user to include a reference to the remote network node content (i.e., that content provided from a remote network node that is independent of the user), the play list identifying content for streaming delivery to a network receiver associated with the identified user as claimed in independent claim 1.

It is respectfully submitted that independent claims 15 and 18 recite a system and a computer program, respectively, that include comparable recitations to those discussed above with respect to claim 1. In fact, as noted above, independent claims 15 and 18 already explicitly recited that the remote network node was independent of the user who is associated with the play list that is being modified. Thus, independent claims 15 and 18 are patentable for at least the same reasons given above for claim 1. Claims 2, 7-10, 16, 17, 19 and 21-23 depend from

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corresponding independent claims 1, 15 and 18, and thus include all the recitations of their corresponding independent claims. Therefore, dependent claims 2, 7-10, 16, 17, 19 and 21-23 are patentable for at least the same reasons given above for independent claims 1, 15 and 18.

Accordingly, it is respectfully submitted that the rejections of claims 1, 2, 7-10, 15-19 and 21-23 under 35 U.S.C. §102(e) are overcome.

Claim Rejections - 35 USC §103

Claims 2-4

Claims 2-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gupta in view of Bowman-Amuah (U.S. Patent No. 6,606,660). Applicant respectfully traverses.

As stated above, Gupta fails to teach or suggest modifying the play list associated with the user to include a reference to the remote network node content as recited in independent claim 1.

Bowman-Amuah describes a stream-based communication system and method, where a message to be sent from a sending system in a shared format is first translated to a stream-based format and then sent to the receiving system. Bowman-Amuah also does not teach or suggest modifying the play list associated with the user to include a reference to the remote network node content.

Since neither Gupta nor Bowman-Amuah individually teach or suggest modifying the play list associated with the user to include a reference to the remote network node content, the combination of the references likewise fails to teach or suggest this feature of independent claim 1. Thus, the cited references, taken either individually or in combination, do not render independent claim 1 obvious. Claims 2-4 depend either directly or indirectly from independent claim 1, and thus include all the recitations of independent claim 1. Thus, dependent claims 2-4 are patentable for at least the same reasons as given above for the independent claim 1.

Accordingly, it is respectfully submitted that the rejections of claims 2-4 are overcome.

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Claims 11-13

Claims 11-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gupta in view of Pezzillo et al. (U.S. Patent No. 6,434,621, hereinafter "Pezzillo"). Applicant respectfully traverses.

As stated above, Gupta fails to teach or suggest a remote network node sending remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content as recited in independent claim 1.

Pezzillo describes a system for enabling Internet or intranet broadcasting that offers audio and webcast information. Pezzillo also does not teach or suggest a remote network node sending remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content. Applicant respectfully notes that although the final Office Action now cites Pezzillo as teaching such feature at col. 1, line 66 to col. 2, line 2, the cited passage only discloses modification of a play list via a Station Manager tool set. However, neither the cited passage of Pezzillo, nor indeed all of Pezzillo, teaches or suggests that a remote network node sends remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content as claimed in independent claim 1. In fact, the Station Manager tool is a tool for an entity to manage the entity's own programming and not to modify a play list associated with another entity.

Since neither Gupta nor Pezzillo individually teach or suggest a remote network node sending remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content, the combination of the references likewise fails to teach or suggest this feature of independent claim 1. Thus, the cited references, taken either individually or in combination, do not render independent claim 1 obvious. Claims 11-13 depend either directly or indirectly from independent claim 1, and thus include all the recitations of independent claim 1. Thus, dependent claims 11-13 are patentable for at least the same reasons as given above for the independent claim 1.

Accordingly, it is respectfully submitted that the rejections of claims 11-13 are overcome.

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Claims 24-26

Claims 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pezzillo. Applicant respectfully traverses.

Independent claim 24 recites, inter alia, a computer program including instructions for causing a processor to receive input from a remote network node including remote network node content and user information for modifying a play list associated with the user. As stated above, Pezzillo fails to teach or suggest a remote network node sending remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content as recited in independent claim 24.

Since Pezzillo fails to teach or suggest a remote network node sending remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content, Pezzillo does not render independent claim 24 obvious. Claims 25 and 26 depend either directly or indirectly from independent claim 24, and thus include all the recitations of independent claim 24. Thus, dependent claims 25 and 26 are patentable for at least the same reasons as given above for the independent claim 24.

Accordingly, it is respectfully submitted that the rejections of claims 24-26 are overcome.

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CONCLUSION

In view of the amended claim and the remarks presented above, Applicant submits that the present set of claims is in condition for immediate allowance. As such, the issuance of a Notice of Allowance is respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

In the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 07-2347.

Date: April 13, 2006

Respectfully submitted,



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